

E-Filed 5/9/2007

NOT FOR CITATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

UNITED STATES,

Plaintiff,

V.

PEIRRI B. LEONARD

Defendant

Case Number CR 06-00780 JF

ORDER¹ DENYING WITHOUT
PREJUDICE MOTION TO REVOKE
PROBATION AND FOR A
PRELIMINARY HEARING

[re: docket no. 5]

On May 7, 2007, Defendant moved to revoke probation and for a preliminary hearing.

Defendant appears to request that the Court revoke or modify his conditions of supervised release in light of an asserted violation of those conditions. Defendant also appears to request that any sentence issued for his violation of supervised release run concurrently with the sentence that he currently is serving in a state facility. However, Defendant provides no argument and cites no authority indicating that the Court may hold such a hearing prior to his release from state custody or that the Court can or should impose a sentence that would run concurrently with the sentence that Defendant currently is serving in a state facility. Accordingly, the motion will be denied

¹ This disposition is not designated for publication and may not be cited.

1 without prejudice. A copy of this order and Defendant's filings will be sent to the appointed
2 Federal Public Defender, Nicholas Humy,² to allow him to consider whether he should file a
3 renewed motion. Because the motion will be denied, the request for a preliminary hearing also
4 will be denied.

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6 IT IS SO ORDERED.

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8 DATED: May 9, 2007


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10 JEREMY FOGEL
11 United States District Judge

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26 ² The docket does not reflect the appearance of counsel for Defendant or for the United
27 States. However, the Petition of Arrest Warrant for Offender Under Supervision, filed December
28 20, 2006, identifies Humy as counsel for Defendant and Susan Knight as counsel for the United
States.

1 This Order has been served upon the following persons:

2 Peirri B. Leonard
#13614-051
3 C.D.C. F-63690
4 Unit 1 B.H. 51 Up
C. C. I.
5 PO Box 107
Tehachapi, CA 93581

6 Nicholas P. Humy
7 Assistant Federal Public Defender
160 West Santa Clara Street, Suite 575
San Jose, CA 95113

8
9 Susan Frances Knight
U.S. Attorney's Office
10 150 Almaden Blvd., Suite 900
San Jose, CA 95113

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